IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4462 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

LD TEXTILE INDUSTRIES, MEHRA ESTATE

Versus

GEB, THROUGH GENERAL MANAGER (COM)

Appearance:

1. Special Civil Application No. 4462 of 2000

NANAVATI ASSOCIATES for Petitioner No. 1-2

MR NK MAJMUDAR for Respondent No. 1

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 25/11/2002

ORAL JUDGEMENT

The present petition is preferred by the petitioner for appropriate writ to quash and set aside

the action of the respondent-Board in disconnecting the electricity supply and also notice dated 8.2.02 for termination of power supply and adjustment of security deposit. Various other reliefs are also prayed.

2. Heard Mr.Thakkar for petitioner and Mr.Majmudar for respondent-Board. There is no dispute on the point that the electricity supply is already disconnected on account of arrears of bills. However, it has been submitted on behalf of the petitioner that for the purpose of revival they have approached the BIFR and the scheme was pending before the BIFR. It has also been submitted on behalf of the petitioner that the outstanding dues of the GEB are shown towards the liability of the company and for adjustment or recovery of said outstanding dues the GEB is represented through the State Govt before the BIFR. It has been submitted on behalf of the petitioner that till now the BIFR has not framed any scheme after hearing all concerned and the matter is pending before the BIFR.

3. Considering the above, when the disconnection of electricity supply is already taken place, I am of the view that no useful purpose would be served in deciding the other questions which are raised in this petition. However, the only clarification which can be had is that the recovery of dues of the GEB shall be as per the scheme which may be framed by the BIFR. It is also clarified that if the petitioner wants fresh connection or restoration of electricity supply, it will be open for the GEB to insist for payment either independently unless there are specific orders for restoration of supply by the BIFR passed in accordance with law.

4. Subject to aforesaid clarifications and observations, petition is not entertained at this stage. Rule is discharged. Interim relief granted earlier stands vacated. There shall be no order as to costs.

25.11.02 (JAYANT PATEL,J)